

ELEANOR M. LACKMAN (SBN 298594)
eml@msk.com
 MARC E. MAYER (SBN 190969)
mem@msk.com
 CONSTANCE C. KANG (SBN 341622)
cck@msk.com
 MITCHELL SILBERBERG & KNUPP LLP
 2049 Century Park East, 18th Floor
 Los Angeles, CA 90067
 Tel. (310) 312-2000 Fax (310) 312-3100

JENNIFER LANTZ (SBN 202252)
jmlantz@duanemorris.com
 DUANE MORRIS LLP
 260 Homer Avenue, Suite 202
 Palo Alto, CA 94301-2777
 Tel. (650) 847-4150 Fax (650) 847-4151

MEGHAN C. KILLIAN (SBN 310195)
mckillian@duanemorris.com
 DUANE MORRIS LLP
 One Market Plaza
 Spear Tower, Suite 2200
 San Francisco, CA 94105
 Tel.: (415) 957-3138 Fax (415) 840-0017

Attorneys for Defendants and Counter-
 Claimants Intuitive Surgical Operations, Inc.,
 Intuitive Surgical, Inc., Intuitive Surgical
 Holdings, LLC, Intuitive Fluorescence Imaging,
 LLC, and Intuitive Surgical Service Optics, Inc.

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

INTUITIVE IMAGING INFORMATICS,
 LLC, a Nevada limited liability company,

Plaintiff and Counter-
 Defendant,

v.

INTUITIVE SURGICAL OPERATIONS,
 INC., a Delaware corporation, et al.,

Defendants and Counter-
 Claimants.

CASE NO. 2:23-cv-10593-DSF-RAO

Honorable Dale S. Fischer

**DECLARATION OF ELEANOR M.
 LACKMAN IN SUPPORT OF
 REPLY IN SUPPORT OF MOTION
 FOR JUDGMENT ON THE
 PLEADINGS**

Date: August 26, 2024
 Time: 1:30 p.m.
 Location: Courtroom 7D

Filing Date: 12/18/2023
 Trial Date: 12/09/2025

AND RELATED COUNTERCLAIMS

Mitchell
 Silberberg &
 Knupp LLP

DECLARATION OF ELEANOR M. LACKMAN

I, Eleanor M. Lackman, the undersigned, hereby declare as follows:

1. Through my professional corporation, I am a Partner in the law firm Mitchell Silberberg & Knupp LLP and counsel for Defendants Intuitive Surgical Operations, Inc., Intuitive Surgical, Inc., Intuitive Surgical Service Optics, Inc., Intuitive Surgical Holdings LLC, and Intuitive Fluorescence Imaging, LLC (collectively, “Defendants”) in this action. The facts stated in this declaration are within my personal knowledge, and if called upon as a witness, I could and would testify competently to them. I submit this declaration in support of Defendants’ Reply in support of Motion for Judgment on the Pleadings.

2. A true and correct copy of excerpts from the parties’ May 6, 2024 scheduling conference before this Court is attached hereto as **Exhibit A**.

3. A true and correct copy of an archived Orpheus Medical webpage captured on July 25, 2020 and displaying the language “Orpheus Medical – An Intuitive Company” is attached hereto as **Exhibit B**.

4. A true and correct copy of an archived Orpheus Medical webpage captured on February 20, 2020 and displaying a headline from a press release discussing the acquisition of Orpheus Medical is attached hereto as **Exhibit C**.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

I executed this declaration on August 12, 2024 in Los Angeles, California.



ELEANOR M. LACKMAN